

Attorney's Docket No. 45011-271086

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APR - 8 2004

In re: **Branch** Confirmation No. 3205
Appl No.: **10/720,023** Group Art Unit: 3743
Filed: **November 19, 2003** Examiner: **L. Hamilton**
For: **ORTHOTIC APPARATUS AND METHOD FOR USING SAME**

OFFICIAL

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED PRIORITY CLAIM
FOR A BENEFIT UNDER 35 U.S.C. 120, 121, OR 365(c)
(37 C.F.R. § 1.78(a)(3))**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

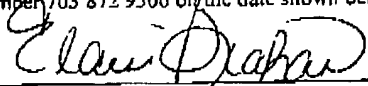
Applicant hereby petitions in accordance with § 1.78(a)(3), to enter a claim of late priority for this application under 35 U.S.C. 120, 121, or 365(c), to add International Application No. PCT/US99/18074, with an international filing date of August 10, 1999, designating the United States, and to put the priority claim in proper sequence order.

Applicant did submit its "Cross-Reference to Related Applications" paragraph in the specification filed in this application. However, Applicant inadvertently omitted the PCT application listed herein in its priority claim sequence and inadvertently put the provisional priority benefits at the beginning of the paragraph rather than the end.

Applicant states that all delay, including the delay between the date the claim for the benefit of the earlier applications was due under paragraph 37 C.F.R. § 1.78 (a)(2) and the date this claim is filed was unintentional.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office at its centralized facsimile number 703 872 9306 on the date shown below.



Elaine Graham

4-8-04

Date

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Statement In Support of Unintentional Delay

Applicant filed PCT/US99/18074, on August 10, 1999, designating the United States, and claiming the benefit of three provisional patent applications. Applicant subsequently filed a continuation patent application 09/779,329 on February 8, 2001, which had properly claimed priority to the PCT application within the required 30 months.

On November 11, 2004, Applicant filed this continuation application 10/720,023, with a cross-referenced paragraph that inadvertently failed to show its chain of priority to include PCT/US99/18074 and inadvertently put the provisional benefit claim at the beginning of the paragraph rather than the end.

Applicant's continuation filing was accompanied by a copy of the Declaration and Power of Attorney filed in Applicant's parent application showing priority of the three provisional applications and Applicant's PCT application.

Applicant respectfully requests the Office correct priority of this continuation application 10/720,023 filed November 11, 2003, to include Applicant's parent application 09/779,329, filed February 8, 2001; PCT application PCT/US99/18074 filed August 10, 1999, and the three provisional applications: 60/096,105 filed August 10, 1998; 60/096,104 filed August 10, 1998; and 60/095,952 filed August 10, 1998.

The surcharge fee set forth in 37 CFR §1.17(t) of \$1,330.00 is paid as follows:

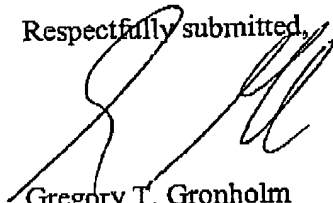
- ☐ check enclosed
☒ authorization to charge deposit account 16-0605

Any additional fee may be charged or any overpayment credited to our Deposit Account No. 16-0605.

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For your convenience, a Preliminary Amendment to the specification indicating the priority being requested is enclosed. If this document or the Preliminary Amendment is incorrect in the priority claim or in any other manner, the undersigned attorney requests a telephone call at his direct dial number of (404) 881-7968.

Respectfully submitted,



Gregory T. Gronholm
Registration No. 32,415

ALSTON & BIRD LLP
CUSTOMER NO. 00826
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Atlanta Office (404) 881-7000
Fax Atlanta Office (404) 881-7777